

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MARTIN SELIG d/b/a MARTIN SELIG  
REAL ESTATE,

Plaintiff,

v.

WINSTAR WIRELESS, INC., *et al.*,

Defendants.

Case No. C05-1018L

SECOND ORDER TO  
SHOW CAUSE

This matter comes before the Court *sua sponte* and on its own order to show cause dated October 24, 2005. (Dkt. #21). In the order to show cause, the Court noted that the parties were required to file a Joint Status Report by September 12, 2005, but they did not file a report or request an extension of that date. The Court ordered the parties to file their Joint Status Report by November 9, 2005 and show cause why sanctions should not be imposed for their failure to comply with the Court's prior order.

As of this date, the parties have not filed a Joint Status Report. On November 9, 2005, defendant filed a response to the order to show cause and explained that defense counsel has telephoned plaintiff's counsel and sent him an e-mail message, but has not received any response. Based on defense counsel's representations and because plaintiff

SECOND ORDER  
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1 bears the primary responsibility for ensuring that a Joint Status Report is filed, the Court  
2 declines to impose sanctions against defendant.

3       However, plaintiff has offered no explanation for its failure to comply with two  
4 orders of this Court. The Court's staff has made several attempts to contact plaintiff's  
5 counsel to discuss the overdue Joint Status Report, but those calls have not been returned.  
6 Plaintiff has not responded to the Court's order to show cause or to defense counsel's  
7 attempts to communicate. Accordingly, plaintiff is ORDERED by Monday, November  
8 28, 2005, to file a Joint Status Report and to show cause why this case should not be  
9 dismissed for failure to comply with this Court's orders.

10       The Clerk of the Court is directed to renote the Order to Show Cause (Dkt. #21)  
11 for November 28, 2005.

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13       DATED this 10th day of November, 2005.

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16       Robert S. Lasnik  
17       United States District Judge  
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